

Cornell University  
ILR School

Cornell University ILR School  
**DigitalCommons@ILR**

---

ADAAA Case Repository

Labor and Employment Law Program

---

2-27-2007

## Equal Employment Opportunity Commission, Plaintiff, vs. Micron Technology, Inc., a Delaware corporation, Defendant.

Judge Ted Stewart

Follow this and additional works at: <https://digitalcommons.ilr.cornell.edu/adaaa>

Thank you for downloading this resource, provided by the ILR School's Labor and Employment Law Program. [Please help support our student research fellowship program with a gift to the Legal Repositories!](#)

---

This Article is brought to you for free and open access by the Labor and Employment Law Program at DigitalCommons@ILR. It has been accepted for inclusion in ADAAA Case Repository by an authorized administrator of DigitalCommons@ILR. For more information, please contact [catherwood-dig@cornell.edu](mailto:catherwood-dig@cornell.edu).

If you have a disability and are having trouble accessing information on this website or need materials in an alternate format, contact [web-accessibility@cornell.edu](mailto:web-accessibility@cornell.edu) for assistance.

---

**Equal Employment Opportunity Commission, Plaintiff, vs. Micron Technology, Inc., a Delaware corporation, Defendant.**

**Keywords**

Equal Employment Opportunity Commission, Micron Technology, a Delaware corporation, Jose Artalejo, 2:05-CV-00546-TS-SA, Consent Decree / Settlement, Disparate Treatment, Failure to Accommodate, Hostile Work Environment, Termination, Deafness, Hearing, Manufacturing, Employment Law, ADAAA

Mary Jo O'Neill AZ #005924  
Sally C. Shanley AZ #012251  
Sandra J. Padegimas AZ #011652 **EQUAL  
EMPLOYMENT OPPORTUNITY  
COMMISSION, Phoenix District Office**  
3300 North Central Avenue, Suite 690  
Phoenix, Arizona 85012  
Telephone: (602) 640-5061

FILED  
U.S. DISTRICT COURT  
2007 FEB 27 P 1:54  
DISTRICT OF UTAH  
BY: [Signature]

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

**EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,**

**Plaintiff,**

**vs.  
MICRON TECHNOLOGY, INC.,  
a Delaware corporation,**

**Defendant.**

**JOSE ARTALEJO,**

**Plaintiff-in-Intervention,**

**vs.**

**MICRON TECHNOLOGY, INC., a  
Delaware corporation,**

**Defendant.**

**Civil No. 2:05-CV-00546-TS-SA**

**Judge Ted Stewart  
Magistrate Judge Samuel Alba**

**CONSENT DECREE**

The United States Equal Employment Opportunity Commission ("EEOC" or "Commission") filed this action against Defendant, Micron Technology, Inc., ("Micron" or "Defendant"), in the public interest to enforce Title VII of the Civil Rights Act of 1964, 42

U.S.C. §2000e *et seq.* ("Title VII"), Title 1 of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, (the "ADA"), and Title I of the Civil Rights Act of 1991, 42 U.S.C. §1981a, and to provide appropriate relief to Jose Artalejo as a result of the unlawful practices. Mr. Artalejo filed his own action and is a party intervenor to this proceeding.

As a result of settlement negotiations, the Commission, Jose Artalejo, and Defendant agree that this action should be finally resolved by entry of this Consent Decree. The Commission, Jose Artalejo, and Micron entered into this Consent Decree as a way of resolving all outstanding differences that may have existed in this case. This Consent Decree fully and finally resolves any and all claims arising out of the Complaints filed by the Commission and Jose Artalejo. This Consent Decree shall apply only to Micron's Idaho facility. The parties waive the Entry of Findings of Fact and Conclusions of Law.

**It is ORDERED, ADJUDGED, AND DECREED:**

1. The Court has jurisdiction over the subject matter of this action and of the parties hereto.
2. This Consent Decree resolves all claims asserted by Jose Artalejo against Micron and all claims asserted by the Commission on behalf of Jose Artalejo against Micron in this lawsuit, including without limitation back pay, compensatory and punitive damages, injunctive relief, costs, and attorneys fees.
3. The terms and provisions of this Consent Decree are adequate, fair, reasonable, equitable, and just. The rights of the parties are adequately protected by this Decree.

4. This Consent Decree conforms with the Federal Rules of Civil Procedure, the ADA and Title VII, and is not in derogation of the rights and privileges of any person. The entry of this Consent Decree will further the objectives of the ADA and Title VII, and will be in the best interests of the Commission, Jose Artalejo, Micron, and the public.

5. Micron denies liability and this Consent Decree is not an admission of liability.

#### **INJUNCTIVE RELIEF**

6. Micron is enjoined for the duration of this Decree from discriminating against an employee on the basis of disability or national origin.

7. Micron is enjoined for the duration of this Decree from retaliating against any employee because he or she (a) opposed discriminatory practices made unlawful by the ADA or Title VII; (b) filed a charge of discrimination under the ADA or Title VII, or assisted or participated in filing a charge under the ADA or Title VII; or (c) testified, assisted, or participated in an investigation, proceeding, or hearing brought under the ADA, or Title VII.

#### **MONETARY RELIEF**

8. Micron shall pay Mr. Artalejo Sixty Thousand and No/100 Dollars (\$ 60,000) to resolve this case and Micron shall provide a United States Internal Revenue Form 1099 to Mr. Artalejo for this payment.

9. Micron shall pay the settlement amount to Mr. Artalejo's attorneys by check, cashier's check, or money order no later than ten (10) days from entry of this Consent

Decree. Micron also shall mail copies of the check to: Mary Jo O'Neill, Regional Attorney, Equal Employment Opportunity Commission, Phoenix District Office, 3300 North Central Ave., Suite 690, Phoenix, AZ 85012.

10. Micron shall not condition the receipt of this individual relief on Mr. Artalejo's agreement to (a) maintain as confidential the terms of this decree or other matters on the public record; (b) waive his statutory right to file a charge with any federal or state anti-discrimination agency; or (c) waive his right to apply for a position with Micron.

#### **LETTER OF REGRET**

11. Within fourteen (14) days of the entry of the Decree, Micron's Vice President of Human Resources shall prepare a letter of regret to Mr. Artalejo, as set forth in Attachment A.

#### **PERSONNEL FILE**

12. Within twenty (20) days of the entry of this Decree, to the extent necessary, Micron shall modify the personnel file of Mr. Artalejo (a) to expunge all references to the charge of discrimination filed against Defendant that formed the bases of this action; (b) remove all references to Mr. Artalejo's participation in this action since he filed his first charge of discrimination on March 27, 2003; and (c) modify Mr. Artalejo's personnel file to reflect that he resigned from Micron.

#### **LETTER OF RECOMMENDATION**

13. Within thirty (30) business days after entry of the Consent Decree, Micron shall provide Jose Artalejo a positive letter of recommendation addressed "To Whom It May

Concern." In this letter, Defendant shall provide Mr. Artalejo with a positive recommendation, reflecting his work history with Defendant and job performance as reported in his performance evaluations prior to Mr. Artalejo complaining about his treatment in the workforce. This letter shall also state that Mr. Artalejo resigned from Micron to pursue other opportunities. The letter shall be subject to the approval of Mr. Artalejo. The letter is attached as Attachment B.

#### **NOTICE**

14. Micron will post, for the duration of this Decree, in a prominent place frequented by its employees at its Boise, Idaho, facility, the notice attached as Attachment C in the same type, style, and size as Attachment C.

#### **CORRECTIVE POLICIES AND PRACTICES**

15. Within thirty (30) days of the entry of this Decree, Micron shall review, and if necessary, revise its written employment policies and procedures. Whether revised or not, Micron shall submit the policies and procedures to the Regional Attorney of the EEOC's Phoenix District Office, at the address set forth above, within sixty (60) days of the entry of the Decree. Within ninety (90) days of entry of this Decree, Micron shall disseminate the site link to the policies and procedures to its employees.

16. The written policies and procedures shall include, at a minimum:

- a. A strong and clear commitment to a workplace free of disability and national origin discrimination;
- b. A clear and strong encouragement of persons who believe they have

been discriminated against to address their concerns internally;

c. A description of the consequences, up to and including termination, that will be imposed upon violators of the policy;

d. A commitment that all complaints of discrimination made to Micron management officials or its Human Resource Department will be thoroughly investigated;

e. A promise of confidentiality, to the extent possible, for persons who believe that they have been discriminated against in violation of the policy;

f. A prohibition of retaliation against persons who report discrimination and for witnesses, including, but not limited to, a provision that requires review by Micron's site manager or compliance officer or by Micron's Director of Human Resources any adverse action, of which he/she is aware, taken against employee after he or she opposes practices made unlawful by the ADA or Title VII or files a charge of discrimination;

g. A description of the method(s) by which any qualified Micron employee or management official with a disability may request an accommodation of his or her disability;

h. A description of the procedure for processing any requests for accommodation of a qualifying disability; and

i. An explanation that disability and national origin discrimination by all persons is prohibited and will not be tolerated.



### **TRAINING**

17. Micron shall use all reasonable efforts within its power to encourage former employees Travis Knight and Dennis Robles to attend an EEO training session within one (1) year from the entry of the Decree.

18. Micron will ensure that its New Team Member orientation, its New Supervisor training and its periodic Code of Conduct training for all employees, managerial and non-managerial, includes coverage of disability and national origin discrimination and harassment, within sixty (60) days of the entry of this Decree. All personnel who attend the trainings shall sign attendance rosters. The registry of attendance or like training records shall be retained by Micron for the duration of this Consent Decree.

19. Micron will provide at least one (1) hour of intensive EEO training on disability and national origin discrimination and harassment for Kevin Berringer and Deanna Eveland within sixty (60) days of the entry of this Decree.

20. Micron shall provide a trainer(s) who is knowledgeable about all of the subjects of the training, to conduct the training. Micron shall provide a copy of the training materials to the Regional Attorney of the EEOC's Phoenix District Office at the address above, within sixty (60) days of the entry of this Consent Decree. The training shall include some interactive component.

### **RECORD KEEPING AND REPORTING**

21. Micron shall maintain all records concerning its implementation of this Decree for the entire term of the Decree.

22. Micron shall report to the Commission in writing, within six (6) months from the entry of this Consent Decree and annually thereafter, regarding its compliance with the specific terms of the Decree, by sending the report to the Regional Attorney of the EEOC's Phoenix District office at the address above. In addition to the reporting requirements set forth above, the report shall include the following information:

- a. Any revisions to Micron's policies and procedures regarding disability and national origin discrimination, and retaliation;
- b. The total number of persons attending each of the seminar-training sessions; and
- c. Confirmation that (1) the Notice was posted, with a description of the locations where it was posted; and (2) the trainings were held.

23. Micron shall bear its own costs in conjunction with the maintenance of records and preparation of reports required by this Consent Decree.

#### **PROCEDURES AND REMEDIES FOR NON-COMPLIANCE**

24. This Court shall retain jurisdiction over this action for the duration of the Decree. During this time, the Commission may petition this Court to order Micron to comply with the Decree.

#### **FORCE AND EFFECT**

25. The parties agree to the entry of this Decree subject to final approval by the Court.

26. If any provision(s) of this Consent Decree are found to be unlawful, only the

specific provision(s) in question shall be affected and the other provision(s) shall remain in full force and effect.

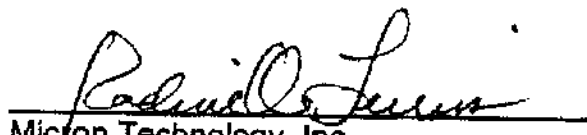
27. This Court shall retain jurisdiction of this action for a period of two (2) years after entry of the Consent Decree. Absent further extension by the Court, the Decree shall expire at the end of two (2) years without further action by the parties.

DATED this 27<sup>th</sup> day of February 2007.




HONORABLE TED STEWART  
United States District Judge

APPROVED AND CONSENTED TO BY:



Micron Technology, Inc.  
Defendant

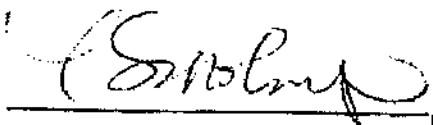


MATTHEW DURHAM  
JUSTIN PALMER  
Attorneys for Defendant

/s/Mary Jo O'Neill

MARY JO O'NEILL, Regional Attorney  
SALLY C. SHANLEY, Supervisory Trial Attorney  
SANDRA PADEGIMAS, Trial Attorney EQUAL  
EMPLOYMENT  
OPPORTUNITY COMMISSION  
3300 North Central Avenue, Suite 690  
Phoenix, Arizona 85012-2504  
Attorneys for Plaintiff EEOC

  
\_\_\_\_\_  
Jose Artalejo  
Plaintiff Artalejo

  
\_\_\_\_\_  
LAUREN  
SCHOLNICK STRINDBERG & SCHOLNICK, LLC  
426 North 300 West  
Salt Lake City, Utah 84103  
Attorneys for Jose Artalejo

**ATTACHMENT A**

[Micron Letterhead]

[Date]

Jose Artalejo  
[Address]:

As you know, a lawsuit was filed by you and the Equal Employment Opportunity Commission against Micron, alleging that the Company violated the ADA and Title VII by discriminating against you because of disability and national origin by creating a hostile work environment because of your national origin and disability, failing to reasonably accommodate your disability, disciplining and discharging you, and retaliating against you because you complained about your treatment in the workplace.

While Micron denies any wrongdoing, please accept my regrets on behalf of Micron and its management that your employment experience with the company was unpleasant and ended abruptly. Please accept my commitment that Micron takes and will continue to take the necessary steps to ensure that disability and national origin will not be the bases for the creation of a hostile work environment, nor in any discipline of employees in accordance with the law, and that no employee will be retaliated against for opposing conduct made unlawful by Title VII or the ADA or filing a charge of discrimination. In addition, please accept my commitment that Micron will continue to take the necessary steps to ensure that all requests for accommodations of a disability will be properly processed and that all complaints of discrimination will be thoroughly investigated.

Sincerely,

[Name]  
[Title]

## **ATTACHMENT B**

January 25, 2007

To Whom It May Concern:

Jose Artalejo began his employment with Micron in its former Lehi, Utah facility as an equipment support technician on October 23, 2000. He was promoted in August, 2002.

Mr. Artalejo was a diligent employee with good technical skills, who performed up to Micron's expectations of him. He pursued opportunities to improve himself as a technician and attended training courses available to him.

Mr. Artalejo resigned his position on October 22, 2002 to pursue other employment opportunities.

---

By: Micron Human Resources Representative

## ATTACHMENT C

### NOTICE TO ALL MICRON EMPLOYEES

Federal and state laws prohibit discrimination against employees on the basis of their national origin or disability. It is also unlawful to retaliate against any person because the person protested discriminatory practices or contacted the EEOC or the Idaho Commission on Human Rights (ICHR).

Micron will not discriminate against any employee on the basis of national origin or disability, and will not retaliate against any employee. Nor will Micron tolerate its employees, vendors, contractors or other third parties discriminating against its employees on the basis of national origin or disability.

If you believe you have been discriminated against at Micron, you have the right to seek assistance from:

- (1) EEOC, 909 1<sup>st</sup> Avenue, Suite 400, Seattle, Washington, 98104, (206) 220-6883; or
- (2) Idaho Commission on Human Rights, 1109 Main Street, Suite 400, PO Box 83720, Boise, Idaho, 83720, (208) 334-2873.

No Retaliation Clause. No action may be taken against you by any supervisory or management official of Micron for (1) opposing discriminatory practices made unlawful by federal law; (2) filing a charge or assisting or participating in the filing of a charge of discrimination; or (3) assisting or participating in an investigation or proceeding brought under Title VII. Should any such retaliatory actions be taken against you, you should immediately contact the EEOC or the ICHR at the addresses or telephone numbers listed above.

THIS NOTICE MUST REMAIN POSTED UNTIL \_\_\_\_\_.

Dated: \_\_\_\_\_

Title of Site Manager